



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/808,273

03/25/2004

Eiji Noda

R2180.0194/P194

5190

24998 7590 10/31/2008

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

EXAMINER

TRAORE, FATOUMATA

ART UNIT

PAPER NUMBER

2436

MAIL DATE

DELIVERY MODE

10/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/808,273	Applicant(s) NODA ET AL.	
	Examiner FATOUMATA TRAORE	Art Unit 2436	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-18 and 20-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-18 and 20-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/02/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/13/2008 has been entered.

Claims status

2. Claims 1, and 20 have been amended; Claims 11 and 19 have been cancelled; Claims 27 and 28 have been added. Claims 1-10, 12-18, 20-28 are pending and have been considered below.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 06/02/2008 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

4.

Response to Arguments

5. Applicant's arguments with respect to claims 1-10, 12-18 and 20-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-10, 12-18 and 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto (US 7,339,759) in view of Takeuchi (US 5,721,856).

Claims 1 and 20, 21, and 22: Hashimoto discloses a method , an optical disk and a computer readable medium for authenticating a recording medium, the method comprising the steps of:

- i. acquiring, from the recording medium, a first set of a first type of unique data that is recorded on an information track on the recording medium in accordance with a predetermined rule(column 3, lines 35-44);
- ii. acquiring, from the recording medium, a second set of the first type of unique data that is recorded on the recording medium in accordance with the predetermined rule(column 3, lines 45-50);and
- iii. authenticating the recording medium based on a comparison of the first and second sets of unique data acquired in the data acquisition steps(column 3, lines 51-65).

Hashimoto does not explicitly disclose that said first and second sets of the first type of unique data neither include information specifying a recording method nor said first and second sets of the first type of unique data are recording in

Art Unit: 2436

accordance with a predetermined rule. However, Takeuchi discloses an optical disk write method, which further discloses that :

said first and second sets of the first type of unique data include information specifying a recording method (column 4, lines 34-45); said first and second sets of the first type of unique data are recording in accordance with a predetermined rule(column 4, lines 20-35).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Hashimoto such as to recording the unique data according to predetermined rule and include a plurality of recording type and to include in the unique data information specifying recording a recording method. One would have been motivated to do so in order to provide an optical disk write method using a packet write method , wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeushi.

Claim 2: Hashimoto and Takeuchi disclose a method for authenticating a recording medium as in claim 1 above, and Takeuchi further discloses wherein the predetermined rule assigns respective values to the first and second sets of unique data, each of the values is based on a respective one of a plurality of different types of recording methods, and the respective one of the recording methods is used to record each of the first and second sets of unique data (column 4, lines 20-65). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the

Art Unit: 2436

teaching of Hashimoto such as to include in the unique data information specifying recording a recording method. One would have been motivated to do so in order to provide an optical disk write method using a packet write method , wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeushi.

Claim 3: Hashimoto and Takeuchi disclose a method for authenticating a recording medium as in claim 2 above, and Takeuchi further discloses wherein the plurality of types of recording methods comprises an uninterrupted recording method (column 1, lines 35-45) and an incremental recording method(column 2, lines 55-67). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Hashimoto such as to identify type of recording method. One would have been motivated to do so in order to provide an optical disk write method using a packet write method , wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeushi.

Claim 4: Hashimoto and Takeuchi disclose a method for authenticating a recording medium as in claim 1 above 3, and Takeuchi further discloses wherein the uninterrupted recording method is a track at once recording method(column 1, lines 55-67), and the incremental recording method is a packet write recording method(column 2, lines 55-67). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Hashimoto such as to identify the type of recording method. One

Art Unit: 2436

would have been motivated to do so in order to provide an optical disk write method using a packet write method , wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeuchi.

Claim 5: Hashimoto and Takeuchi disclose a method for authenticating a recording medium as in claim 2 above, and Takeuchi further discloses wherein the first set of unique data comprises information for identifying the type of recording method used to record the first and second sets of unique data(column 2, 60 to column 3, line 8). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Hashimoto such as to identify the type of recording method. One would have been motivated to do so in order to provide an optical disk write method using a packet write method , wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeuchi.

Claim 6: Hashimoto and Takeuchi disclose a method for authenticating a recording medium as in claim 1 above, and Takeuchi further discloses wherein the second set of unique data comprises at least one of data in a track descriptor unit and data in a sub-code control(*column 7, lines 36-50*). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Hashimoto such as to identify the type of recording method. One would have been motivated to do so in order to provide an optical disk write method using a packet write method , wherein

Art Unit: 2436

random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeushi.

Claim 7: Hashimoto and Takeuchi disclose a method for authenticating a recording medium as in claim 1 above, and Takeuchi further discloses a step of acquiring from the recording medium, a third set of the first type of unique data comprising data within a runout portion of the information track (column 7, lines 5-15); and Hashimoto further discloses authenticating the recording medium based on a comparison of the third set of unique data with a predetermined value (column 3, 51-65). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Hashimoto such as to identify the type of recording method. One would have been motivated to do so in order to provide an optical disk write method using a packet write method, wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeushi.

Claim 8: Hashimoto and Takeuchi disclose a method for authenticating a recording medium as in claim 1 above, and Takeuchi further discloses wherein the first and second sets of unique data each comprises data recorded within a predetermined size packet (column 7, lines 37-50). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Hashimoto such as to identify the type of recording method. One would have been motivated to do so in order to provide an optical disk write method using a packet write method, wherein random writing

operation and corrections are attained (column 2, lines 49-54) as taught by Takeushi.

Claim 9: Hashimoto and Takeuchi disclose a method for authenticating a recording medium as in claim 1 above, and Hashimoto further discloses

- iv. acquiring, from the recording medium, a first set of a second type of unique data that is recorded on another information track on the recording medium in accordance with the predetermined rule(column 3, lines 35-44);
- v. acquiring, from the recording medium, a second set of the second type of unique data that is recorded on the recording medium in accordance with the predetermined rule (column 3, lines 45-50); and
- vi. authenticating the recording medium based on a comparison of the first and second sets of the second type of unique data acquired in the data acquisition steps(column 3, lines 51-65);

In addition, Takeuchi further discloses

wherein the first type of unique data comprises data that is recorded in one of multiple sessions, and the second type of unique data comprises data that is recorded in another one of the multiple sessions(column 16, lines 5-15).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Hashimoto such as to record data in multiple sessions. One would have been motivated to do so in order to provide an optical disk write method using a packet write method ,

Art Unit: 2436

wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeushi.

Claim 10: Hashimoto and Takeuchi disclose a method for authenticating a recording medium as in claim 1 above, and Takeuchi further discloses wherein the first and second sets of unique data each comprises data that is recorded in a variable size packet(column 7, lines 38-56).

Claim 12: Hashimoto and Takeuchi disclose a method for authenticating a recording medium as in claim 10 above, and Takeuchi further discloses wherein the recording medium has, in a first session, a second track as a dummy track not present in the ISO 9660 file system and wherein the information track comprises a lead in area and a program memory area (column 6,lines 55-60).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Hashimoto such as to include a lead in area and a program area. One would have been motivated to do so in order to provide an optical disk write method using a packet write method , wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeushi.

Claim 13: Hashimoto and Takeuchi disclose a method for authenticating a recording medium as in claim 12 above, and Takeuchi further discloses wherein the first set of unique data comprises track information (column 12, lines 20-33). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Hashimoto such as to

Art Unit: 2436

include track information. One would have been motivated to do so in order to provide an optical disk write method using a packet write method , wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeushi.

Claim 14: Hashimoto and Takeuchi disclose a method for authenticating a recording medium as in claim 13 above, and Takeuchi further discloses, wherein the track information identifies a recording method of the track(column 4, lines 30-45). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Hashimoto such as to identify the type of recording method. One would have been motivated to do so in order to provide an optical disk write method using a packet write method , wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeushi.

Claim 15: Hashimoto and Takeuchi disclose a method for authenticating a recording medium as in claim 13 above, and Takeuchi further discloses wherein the track information identifies a recording position of the track (column 11, lines 18-30). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Hashimoto such as to identify the type of recording method. One would have been motivated to do so in order to provide an optical disk write method using a packet write method , wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeushi.

Claim 16: Hashimoto and Takeuchi disclose a method for authenticating a recording medium as in claim 12 above, and Takeuchi further discloses wherein the recording medium records data in multiple sessions (column 16, lines 4-15). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Hashimoto such as to record data in multiple sessions. One would have been motivated to do so in order to provide an optical disk write method using a packet write method , wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeushi.

Claim 17: Hashimoto and Takeuchi disclose a method for authenticating a recording medium as in claim 16 above, and Takeuchi further discloses wherein the information track comprises a program memory area and a second track that is additionally recorded(column 16, lines 15-32). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Hashimoto such as to include a program area. One would have been motivated to do so in order to provide an optical disk write method using a packet write method , wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeushi.

Claim 18: Hashimoto and Takeuchi disclose a method for authenticating a recording medium as in claim 17 above, and Hashimoto further discloses wherein the unique data of the second track that is additionally recorded comprises a disk ID(column 6, lines 20-45).

Art Unit: 2436

Claims 23, 24, 25 and 26: Hashimoto and Takeuchi disclose a method, an optical disk, a computer readable medium for authenticating a recording medium as in claims 1, 20, 21 and 22 above, and Takeuchi further discloses wherein the second set of unique data is recorded on the information track(column 4, lines 45-60). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Hashimoto such as to record data on the track. One would have been motivated to do so in order to provide an optical disk write method using a packet write method , wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeushi.

Claims 27 and 28: Hashimoto and Takeuchi disclose a computer readable medium and optical disk drive for authenticating a recording medium as in claims 21 and 22 above, and Takeuchi further discloses wherein said first and second sets of the first type of unique data include information specifying a recording method(column 2, line 50 to column 3, line10). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teaching of Hashimoto such as to identify the type of recording method. One would have been motivated to do so in order to provide an optical disk write method using a packet write method , wherein random writing operation and corrections are attained (column 2, lines 49-54) as taught by Takeushi.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

2. Caffarelli et al (US 6,091,686) Compact Disc Recording System and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fatoumata Traore whose telephone number is (571) 270-1685. The examiner can normally be reached Monday through Thursday from 7:00 a.m. to 4:00 p.m. and every other Friday from 7:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nassar G. Moazzami, can be reached on (571) 272 4195. The fax phone number for Formal or Official faxes to Technology Center 2100 is (571) 273-8300. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 270-2685.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-2100.

Application/Control Number: 10/808,273

Page 14

Art Unit: 2436

FT

Monday, October 27, 2008

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2436